

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re:

James and Victoria Evanoff,

Debtors.

Chapter 11

Bankruptcy No. 15-30868

Honorable Janet S. Baer

NOTICE OF MOTION

Please take notice that, on **December 28, 2017, at 10:00 a.m.**, or as soon thereafter as counsel may be heard, the undersigned shall appear before the Honorable Janet S. Baer, United States Bankruptcy Judge for the Northern District of Illinois, in Courtroom 615 of the Everett McKinley Dirksen United States Courthouse, 219 South Dearborn Street, Chicago, Illinois, to present the **Debtors' Motion for a Final Decree and Order Closing the Chapter 11 Case**, a copy of which is included herewith and served upon you, at which time and place you may appear.

Dated: December 21, 2017

James Evanoff and Victoria Evanoff

By: /s/ Jeffrey K. Paulsen

One of Their Attorneys

William J. Factor (6205675)

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CERTIFICATE OF SERVICE

I, Jeffrey K. Paulsen, an attorney, hereby certify that on December 21, 2017, pursuant to Section II.B.4 of the Administrative Procedures for the Case Management/Electronic Case Filing System and Fed.R.Civ.P. 5(a), I caused a copy of the foregoing *Notice of Motion* and the accompanying *Motion* to be served electronically through the Court's Electronic Notice for Registrants on all persons identified as Registrants on the appended Service List and by U.S. Mail on all other persons identified on the appended Service List.

/s/ Jeffrey K. Paulsen

SERVICE LIST

Registrants

(Service via ECF)

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Non-Registrants

(Service via U.S. Mail)

See attached.

UNITED STATES BANKRUPTCY COURT
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**DEBTORS' MOTION FOR A FINAL DECREE AND
ORDER CLOSING THE CHAPTER 11 CASE**

Because they have taken the actions required under their confirmed chapter 11 plan, James and Victoria Evanoff (the "Debtors") seek entry of a final decree and order closing this chapter 11 case.

1. BACKGROUND.

On September 9, 2015, (the "Petition Date") the Debtors filed a petition for relief under chapter 11 of title 11 of the United States Code (the "Bankruptcy Code"). On October 19, 2017, this Court entered an order (ECF No. 199) confirming the Debtors' chapter 11 plan. The plan's effective date was December 4, 2017.

The plan requires the Debtors to make the following payments or to take the following actions following the plan's effective date:

Type or Class of Claims	Creditors	Action Under Plan	Status
U.S. trustee fees.	U.S. trustee.	Paid quarterly.	The Debtors are current on their U.S. trustee fees and will pay the final fees once they have been calculated.

Type or Class of Claims	Creditors	Action Under Plan	Status
Unclassified administrative expenses.	Estate professionals.	Paid in accordance with § 4.1.2 of the plan.	The Debtors are paying professionals pursuant to the agreement described in § 1.8 of the Debtors' disclosure statement.
Class 1.	U.S. Bank.	The Debtors stop making payments as of the plan's effective date.	The Debtors have stopped making payments.
Class 2.	JP Morgan Chase Bank.	Paid in accordance with the parties' contract.	The Debtors have made all required payments to date.
Class 3.	Toyota Motor Credit Corp.	Paid in accordance with the parties' contract.	The Debtors have made all required payments to date.
Class 4.	Disney Vacation Club.	The Debtors have six months to sell the collateral or it will be transferred to the creditor.	The Debtors' time to sell the collateral has not expired.
Class 5.	Culligan.	Paid in accordance with the parties' contract.	The Debtors have made all required payments to date.
Class 6.	Unsecured claims.	The Debtors will contribute the Annual Bonus (as defined in the plan) for five years.	No payments have been required to date.
Class 7.	FONA's claim.	The Debtors will make payments pursuant to the terms of the settlement agreement with FONA.	The Debtors have made all required payments to date.

There are no pending matters left for this Court to address.

2. DISCUSSION.

“After an estate is fully administered in a chapter 11 reorganization case, the court, on its own motion or on motion of a party in interest, shall enter a final decree closing the case.” Fed. R. Bankr. P. 3022; *accord* 11 U.S.C. § 350(a). The Bankruptcy Code and Rules do not define when an estate is fully administered, so courts “should review each request for entry of a final decree on a case-by-case basis and analyze the factors set forth in Rule 3022, along with any other relevant factors, in determining whether an estate has been fully administered.” *Spierer v. Federated Dep’t Stores, Inc. (In re Federated Dep’t Stores, Inc.)*, 43 Fed. Appx. 820, 822 (6th Cir. 2002); *accord In re Mold Makers, Inc.*, 124 B.R. 766, 768 (Bankr. N.D. Ill. 1990).

The factors considered include: (a) whether the order confirming the plan has become final; (b) whether deposits required by the plan have been distributed; (c) whether the property proposed by the plan to be transferred has been transferred; (d) whether the debtor or the successor of the debtor under the plan has assumed the business of the management of the property dealt with by the plan; (e) whether payments under the plan have commenced; and (f) whether all motions, contested matters, and adversary proceedings have been finally resolved. Fed. R. Bankr. P. 3022 Advisory Note. Whether or not there is a possibility that a court’s jurisdiction may be invoked in the future is not a basis to keep a case open, as a final decree closing the case after the estate is fully administered does not deprive the court of jurisdiction to enforce or interpret its own orders and does not prevent the court from reopening the case for cause pursuant to 11 U.S.C. § 350(a). *Id.*

Here, the applicable factors are largely satisfied and the Debtors’ case has been finally administered. Specifically, (a) the order confirming the plan is final, (b) the Debtors have assumed responsibility for the property to be dealt with under

the plan, (c) all payments thus far required by the plan have been made, and (d) all motions, contested matters, and adversary proceedings have been resolved. There is therefore no further need for supervision by this Court. In the unlikely event that an issue does arise, this Court retains jurisdiction under article 12 of the Plan to resolve that issue.

Wherefore, the Debtors respectfully request that the Court enter a final decree and order closing this case and grant any further relief that is appropriate under the circumstances.

Dated: December 21, 2017

James and Victoria Evanoff

By: /s/ Jeffrey K. Paulsen
One of Their Attorneys

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